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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,768	01/09/2006	Kouichi Matsuda	280025US6PCT	3211

22850 7590 02/22/2010  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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02/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/563,768	<b>Applicant(s)</b> MATSUDA, KOUICHI	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 21, 2010 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1, 3-4, 6-16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 3-4, 6-16 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US 6,245,982).

**Regarding Claim 1:** Suzuki et al. discloses an audio reproduction method implemented by an audio reproduction apparatus, the method: obtaining, at the audio reproduction apparatus, an audio data file, wherein the audio data file has

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a data structure that includes audio data, character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data **(column 8 lines 1-21)**; generating, at the audio reproduction apparatus, an character image having the shape specified by said character data**(column 1 lines 39-47)**, and displaying the generated image of character correspondingly to reproduction of audio data in according with the motion indicated by motion data **(column 8 lines 1-21)**, wherein image of character is altered and displayed at a coordinate position at a specific time in audio reproduction **(column 8 lines 1-21)**.

**Regarding Claim 3:** Suzuki et al. discloses an audio reproduction method according to claim 1, wherein image of character data has a three-dimensional shape, and method further comprises: displaying the image of character from a viewpoint based on a predetermined input operation indicating the viewpoint **(column 8 line 64 to column 9 line 10)**.

**Regarding Claim 4:** Suzuki et al. discloses an audio reproduction apparatus comprising: an audio data file, wherein the audio data file has a data structure that includes audio data, character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data **(column 17 lines 39-67)**, means for reproducing the audio data retained in means for retaining **(column 1 lines 39-47)**, means for generating an image of character having the shape specified by the character data **(column 8 lines 24-47)**, and means for displaying the image of character generated by

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means for generating correspondingly to reproduction in of audio data by means for reproducing accordance with the motion indicated by motion data **(column 8 line 64 to column 9 lines 9)**, wherein character image of character is altered and displayed at a coordinate position at a specific time in audio reproduction **(column 10 lines 53-64)**.

**Regarding Claim 6:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, wherein the image of character has a three-dimensional shape, and the audio reproduction apparatus further comprises **(column 8 line 64 to column 9 line 10)**: means for indicating a viewpoint toward the image of the character having the three-dimensional shape **(column 8 line 64 to column 9 line 10)**, wherein based on the viewpoint, the means for generating generates image of character as seen from the viewpoint **(column 8 line 64 to column 9 line 10)**.

**Regarding Claim 7:** Suzuki et al. discloses an audio reproduction method according to claim 1, wherein said motion data is described in VRML (Virtual Reality Modeling Language) **(column 14 lines 52-53)**.

**Regarding Claim 8:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, wherein said motion data is described in VRML (Virtual Reality Modeling Language) **(column 14 lines 52-53)**.

**Regarding Claim 9:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: reading out the audio data and the

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character data from a storage medium at a same time **((column 7 lines 33-47 and column 8 lines 1-21).**

**Regarding Claim 10:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: separating the character data from the audio data file **(column 8 lines 1-21).**

**Regarding Claim 11:** Suzuki et al. discloses an audio reproduction method according to claim 1, further comprising: detecting an identifier in the audio data file indicating a presence of the character data within the audio data file **(column 8 lines 42-57).**

**Regarding Claim 12:** Suzuki et al. discloses an audio reproduction method according to claim 9, wherein the reading does not include reproducing an image signal **(column 6 lines 39-67).**

**Regarding Claim 13:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for reading out the audio data and the character data from a storage medium at a same time **(column 8 lines 1-21).**

**Regarding Claim 14:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for separating the character data from the audio data file **(column 18 line 64 to column 19 line 4).**

**Regarding Claim 15:** Suzuki et al. discloses an audio reproduction apparatus according to claim 4, further comprising: means for detecting an identifier in the

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audio data file indicating a presence of the character data within the audio data file **(column 9 lines 23-37)**.

**Regarding Claim 16:** Suzuki et al. discloses an audio reproduction apparatus according to claim 13, wherein the means for reading does not reproduce an image signal **(column 8 lines 1-14)**.

**Regarding Claim 17:** Claim 17 rejected for the same subject matter as claim 1 discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621